



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY - 5 2015

OFFICE OF
CIVIL RIGHTS

Return Receipt Requested

Certified Mail#: 7009 7820 0002 1759 1629

In Reply Refer to:

EPA File No.: 09R-14-R4

(b) (6) - Privacy

Maury, North Carolina 28554

Re: Rejection and Referral of Administrative Complaint

Dear **(b) (6) - Privacy**

This letter is to notify you that the U.S. Environmental Protection Agency (EPA), Office of Civil Rights (OCR) received your correspondence on July 7, 2014. Because the OCR is responsible for processing complaints containing allegations of discrimination by recipients of EPA financial assistance pursuant to Title VI of the Civil Rights Act and the EPA implementing regulations, we have assumed that you intended to file a Title VI complaint and are processing your complaint in this manner. In the complaint, you alleged the Green Correctional Institute has failed to stop polluting the air, in part, because it allows non-licensed individuals to work on the HVAC system. The complaint is dismissed and the case closed as of the date of this letter.

Pursuant to the EPA's nondiscrimination administrative regulations, the OCR conducts a preliminary review of administrative complaints for acceptance, rejection, or referral to the appropriate Agency. (See 40 C.F.R. § 7.120(d)(1).) For the OCR to accept a complaint for investigation, the complaint must meet the four jurisdictional requirements described in the EPA's nondiscrimination regulations. First, the complaint must be in writing. (See 40 C.F.R. § 7.120(b)(1).) Second, the complaint must describe an alleged discriminatory act that, if true, may violate the EPA's nondiscrimination regulations (*i.e.*, an alleged discriminatory act based on race, color, national origin, sex, age, or disability). (See 40 C.F.R. § 7.120(b)(1).) Third, the complaint must be filed within 180 calendar days of the alleged discriminatory act. (See 40 C.F.R. § 7.120(b)(2).) Finally, the complaint must be filed against an applicant for, or a recipient of, the EPA's financial assistance that allegedly committed the discriminatory act. (See 40 C.F.R. § 7.15.) For your reference, we have enclosed a copy of the EPA's nondiscrimination regulations.

After careful consideration, the EPA/OCR has concluded that it cannot accept the complaint for investigation because it does not meet the jurisdictional requirements described in EPA's nondiscrimination regulations. Specifically, Greene Correctional Institution is neither an applicant for nor a recipient of EPA assistance. In addition, the complaint does not allege a discriminatory act that may violate EPA's non-discrimination regulations. Therefore, the OCR must reject the complaint for investigation because it does not fall within the EPA/OCR's jurisdiction.

However, it appears that your complaint may fall within the jurisdiction of the U.S. Department of Justice (DOJ), Office of Civil Rights, Office of Justice Programs. Therefore, the EPA/OCR is referring your complaint to the DOJ for appropriate action. A copy of the letter to the DOJ is enclosed. The DOJ contact person is Michael Alston, and his contact information is U.S. Department of Justice, 810 Seventh Street, N.W., Washington D.C., 20531, (202) 354-4380, askOCR@ojp.usdoj.gov.

If you have any questions regarding this letter, please contact Ericka Farrell of my staff at (202) 564-0717, via e-mail at farrell.ericka@epa.gov, or mail at U.S. EPA, Office of Civil Rights, Washington, D.C., 1200 Pennsylvania Avenue, N.W., Mail Code 1201A, Washington, D.C. 20460.

Sincerely,



Velveta Golightly-Howell
Director

Enclosures